

**REGULAR MEETING OF THE COMMON COUNCIL  
OF THE CITY OF PLATTSBURGH, NEW YORK**

December 2, 2010

**5:30 P.M.**

**MINUTES**

**Present:** Councilors Tim Carpenter (W1), Michael Kelly (W2), George Rabideau (W3), Jim Calnon (W4), Amy Valentine (W5), Chris Jackson (W6)

**Absent:** Mayor Donald Kasprzak

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**1. MINUTES OF THE PREVIOUS MEETING:**

**RESOLVED:** That the Minutes of the regular meeting of the Common Council held on November 23, 2010 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Valentine; Seconded by Councilor Carpenter  
Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson  
(All voted in the affirmative)

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**2. PAYROLLS OF VARIOUS DEPARTMENTS:**

**RESOLVED:** That the payrolls of the various Departments of the City of Plattsburgh for the week ending December 1, 2010 in the amount of \$ 253,002.41 are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Carpenter; Seconded by Councilor Jackson  
Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson  
(All voted in the affirmative)

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**3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:**

- Report of Fire and Ambulance Responses for the week of November 25 – December 1, 2010
- Report from the Building Inspector's Office from June 11 – November 24, 2010

**RESOLVED:** That the reports as read are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Kelly; Seconded by Councilor Valentine  
Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson  
(All voted in the affirmative)

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**4. CORRESPONDENCE & RECOMMENDATIONS FROM BOARDS: None**

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5. **AUDIT OF CLAIMS:**

**RESOLVED:** That the bills approved by the Auditing Committee of the Common Council in the amount of \$ 322,709.08 are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Rabideau; Seconded by Councilor Carpenter  
Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson  
(All voted in the affirmative)

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6. **PERSONS ADDRESSING COUNCIL: None**

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7. **OTHER ITEMS:**

**A. RESOLVED:** In accordance with the request therefore the Common Council approves that in accordance with Chapter 253 of the Code of the City of Plattsburgh and Section 1640 of the New York State Vehicle and Traffic Law that Traffic Zone Designation No. 931 is hereby established to "Exclude trucks, commercial vehicles, tractors, tractor-trailer combinations, tractor-semitrailer combinations, and tractor-trailer-semitrailer combinations from Steltzer Road in the City of Plattsburgh."

By Councilor Jackson; Seconded by Councilor Carpenter  
Discussion: None  
Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**B. RESOLUTION – LEASE OF PROPERTY TO LAKE CITY LOCAL DEVELOPMENT CORPORATION**

**Whereas,** § 1411 Not-for-Profit Corp. law authorizes cities to lease real property to local development corporations on such terms as the city and the corporation may agree upon; and

**Whereas,** the Lake City Local Development Corporation has heretofore acted as landlord for a property located adjacent and southerly of Peace Point Park which is hereinafter referred to as Dock Street Landing, and has assisted the City with other community development programs; and

**Whereas,** to provide the corporation with a source of funds to continue its community development activities, the City wishes to lease the Dock Street Landing property to the corporation for nominal consideration; now, therefore it is

**RESOLVED:**



1. The Common Council finds the Dock Street Landing property is not used as park or recreation land and is not needed for a public purpose.
2. Mayor is authorized to sign a lease of the Dock Street Landing property with the Lake City Local Development Corporation for a ten year term commencing December 1, 2010 at an annual rent of one dollar (\$1.00) on the terms and conditions set forth in the attached Dock Street Landing Lease Terms, a copy of which has been reviewed and is hereby approved by the Common Council, and ordered made a part of the minutes of this meeting.
3. The Corporation Counsel shall approve the form of the Dock Street Landing Lease Agreement before execution by the Mayor.

By Councilor Jackson; Seconded by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

## **RESOLUTION - SEQR DETERMINATION**

**RESOLVED:** the Common Council having received, reviewed and filed a short Environmental Assessment Form dated 12/02/10. The Common Council finds that the planned lease of existing building to Lake City Local Development Corporation WILL NOT result in any significant adverse environmental impacts for the reasons set forth in the referenced documents.

By Councilor Carpenter; Seconded by Councilor Valentine

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

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## **8. TRAVEL REQUEST: None**

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## **9. RESOLUTIONS FOR INITIAL CONSIDERATION:**

1. The Regular Common Council meeting scheduled for Thursday, December 23, 2010 will be changed due to the Christmas Holiday to Tuesday, December 21, 2010 beginning at 5:30 pm. The work session will begin at 5 pm.
2. The Regular Common Council meeting scheduled for Thursday, December 30, 2010 will be changed due to the New Year's Eve Holiday to Tuesday, December 28, 2010 beginning at 5:30 pm. The work session will begin at 5 pm.

3. Request to establish Local Law P1 of 2010 amending Chapter 161 of the City Code of the City of Plattsburgh: "To provide for the licensing and identification of dogs within the City of Plattsburgh." A Public Hearing is set for December 16, 2010 at 5 pm in the Common Council Chambers, 2<sup>nd</sup> Floor of City Hall, 41 City Hall Place, Plattsburgh, NY.

**Corporation Counsel John Clute** said he will send the Council information on licensing fees and that is something they will need to consider and there are things that need to be refined and expanded upon.

4. Resolution that the Governor of the State of New York and the members of the New York State Senate and New York State Assembly must reform the cost drivers that lead to high property taxes in New York – including pension benefits, health insurance costs and the collective bargaining process – as the central element of any effort to provide overdue property tax relief to the residents and businesses of New York.
5. Request from Environmental Manager Jonathan Ruff that the periodic safety inspection on Mead Dam be completed by CHA at a cost not to exceed \$4,000.

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#### 10. NEW BUSINESS:

**Councilor Valentine** said do we need to discuss how we're going to resolve the naming issue of the dock.

**Councilor Calnon** said he is not sure whose responsibility it is.

**Councilor Carpenter** asked what are we naming.

**Councilor Jackson** said the dock street boat launch.

**Councilor Valentine** said do we want it to go to a contest or do we just going to do it here.

**Councilor Jackson** said I am more than willing to have the public weigh in on it but I think we should limit the choices and I do like the fact and Keith brought up a very good point about Macdonough or call it Macdonough's landing for all I care and I do like tying the historical pieces especially since...Keith could you just go in to who wanted to put a bell.

**City Clerk Keith Herkalo** said yes the USS Lake Champlain Association which represents the retired aircraft carrier USS Lake Champlain. Their association held their convention in San Diego California this past summer. They have unanimously agreed that their ships bell which weighs 1200 pounds, very substantial piece, should be retired to the City of Plattsburgh on Lake Champlain because the ship itself was named after the Battle of Plattsburgh and it was named the USS Lake Champlain because of that. They have requested that the bell be placed here in Plattsburgh. There is a similar bell the USS Oriskany which the same type of carrier. It is in fact in Oriskany Park in Oriskany New York a very nice memorial with the bell itself mounted on a vertical stand surrounded by a bed of flowers. They would like to see that here they have over 800 members and they are talking about booking the Comfort Inn for 2014 in September to bring their



people here for a convention and dedication of the memorial on behalf of the Navy and the association which is the USS Lake Champlain.

**Councilor Jackson** said Kevin was it you that brought up the whole naming thing we were just discussing that.

**City Engineer Kevin Farrington** yes the last finishing project of the DEC is to put up their standard type signage and kiosk. If there is any preference for historic features that want to be identified plus the fisheries department has some stuff they will put up about the fishing and so forth so we want to get that in before too long.

**Councilor Calnon** said what is before too long?

**Councilor Jackson** said before next summer.

**City Engineer Kevin Farrington** said I think they would rather do it now. But if you really felt like you wanted more time I could ask if spring was ok.

**Councilor Calnon** said I don't think we need to do that.

**Councilor Valentine** said could just open it up on our website for the contest and have an opening and a closing date.

**Corporation Counsel John Clute** said I don't think there is anyway anyone could vote on our website but maybe the Press Republican could do something and tabulate the vote for us. Is that something you guys have the capability of doing now? **Press Republican Reporter Joe LoTempio** said it is not very scientific but we could do it.

**Mayor's Assistant Beth Carlin** said someone could do it as a submission on our website. They fill in their name, address, email or phone number and then they could put what they wanted.

**Councilor Calnon** said so we could do it on our website.

**Corporation Counsel John Clute** said I think electronic is the only way to go I just don't know how to do it.

**Councilor Calnon** a lot of folks who would want to make suggestions might not consider some of the information for example that Keith just shared.

**Councilor Jackson** said I think we should limit give them 5 choices.

**Corporation Counsel John Clute** said maybe we should find out technologically what is the most efficient way for allowing people to vote and tabulating the votes and next week narrow it down.

**Councilor Calnon** said lets do that we won't delay long.

**Councilor Calnon** officially set the public hearing on December 16, 2010 at 5 pm in the Common Council Chambers to hear public comment on establishing Local Law P1 for licensing and identifying dogs within the City of Plattsburgh.

**Councilor Calnon** said their will be a daytime test of the Snow Ban parking lights on Friday, December 3, 2010 and to remind everyone to find an off road parking area when the ban is on.

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## **11. CLOSING PUBLIC COMMENTS:**

**Sue Ford**, 106 Pine Street said I heard that their was a concern, in the paper, about Steltzer Way about the diameter of the road and my question is how do the plan on getting a snow plow down there.

**Superintendant Mike Brodi** said they have passed their plows already and they have smaller plows that can go down there.

**Sue Ford**, 106 Pine Street said my next question is I read in the master plan in 2006 that it states the cost for maintenance for this trail per mile is going to be \$10,000 to the taxpayers, is that correct?

**Councilor Calnon** actually the object of this portion of our meeting is not to have a dialogue.

**Sue Ford**, 106 Pine Street said I am just a taxpayer that wants to be updated.

**Councilor Calnon** said I understand that but that's not the purpose of this particular section of the meeting. This is our meeting and we are asking if you have anything you would like to present to us, this is not a question and answer period. It's not like a town meeting. I understand you have questions this is not the venue to get your questions answered is my point.

**Sue Ford**, 106 Pine Street said ok also as property owner and having the eminent domain this coming Monday, I have been told by the Property Rights Foundation. I have never been served as an adjourning property owner and neither has any of the property owners on the street been served from the City concerning with eminent domain. I am told that you've hired council outside of the City at what cost to the City taxpayer I'm not sure to do the eminent domain procedure and I'm just wondering how come nobody in the neighborhood because from what I understand the survey has shown that the City does not own any of the property on the river side except for the terminal behind Stewart's and this is from the surveyors. Am I correct?

**Councilor Calnon** said again this is not a question and answer period.

**Sue Ford**, 106 Pine Street said so you are not willing to answer any of my questions as a City taxpayer.

**Councilor Calnon** said not in this forum. That is not what this is.

**Sue Ford**, 106 Pine Street said I want it on the minutes that me and there is probably 10 other property owners that will be there Monday and nobody has been served and according to the Property Rights



Foundation and another law firm in the City of Plattsburgh it's totally unethical that this has been going on and there also has been no meeting of the people in the neighborhood concerning it. My concern is your plan is for a playground 13 feet from my front door after the street and big concern is a lot of these grants that are given I'm told that they have no eminent domain clause in them. I was told by the Governor's office that it's not to adversely affect any property owners adjourning the trail. I think the trail is a wonderful idea if it had been done right and I don't think it has been and I think proof of you guys talking about the width of the road is proof of that and the timing having all of this work done in the late summer early fall. All of this excavation including an excavator going down the river almost to Stewart's when the permit was only for 300 feet from the bridge down there. There is so much that people don't know and it is a shame it's really a travesty to the taxpayers of this City because if they realized the cost that it is going to be to them and the way this is being done its disgusting it really is. That's all I've got to say.

Motion to Adjourn by Councilor Jackson; Seconded by Councilor Kelly  
Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson  
(All voted in the affirmative)  
**MEETING ADJOURNED: 5:51 pm**

DOCK STREET LANDING LEASE TERMS  
FROM CITY TO LAKE CITY LDC

1. The leased premises are depicted on the annexed map and include any furnishings, fixtures and equipment owned by the City.
2. The lease term shall be 10 years.
3. The rent shall be \$1 per year year plus taxes, insurance and utilities.
4. The premises may be used for restaurant, retail and recreation service uses.
5. The premises may be subleased without prior City approval on such terms as the LDC deems advisable, provided that, any sublease shall not be for a term longer than 2 years.
6. City will maintain the utilities to the point where they enter the building and the structural components of the building, including the roof covering. City will maintain the concrete walks paving and landscaping within the leased premises.
7. The LDC (or subtenant) will maintain other parts of the building.
8. The City will permit the LDC (or its subtenant) to identify up to \_\_\_ parking spaces closest to the building for subtenant customer use. The City will license to the subtenant the right to place tables outside the building under its outdoor table license policy.



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**§ 1411 Not-for-Profit Corp. Local development corporations.**

(d) Purchase or lease of real property owned by a county, city, town or village.

(1) The local legislative body of a county, city, town or village or, if there is a board of estimate in a city, then the board of estimate, may by resolution determine that specifically described real property owned by the county, city, town or village is not required for use by such county, city, town or village and authorize the county, city, town or village to sell or lease such real property to a local development corporation incorporated or reincorporated under this article; provided, however, that title to such land be not declared inalienable as a forest preserve or a parkland.

(2) Notwithstanding the provisions of any general, special or local law, charter or ordinance to the contrary, such sale or lease may be made without appraisal, public notice, (except as provided in subparagraph (4)) or public bidding for such price or rental and upon such terms as may be agreed upon between the county, city, town or village and said local development corporation; provided, however, that in case of a lease the term may not exceed ninety-nine years and provided, further, that in cities having a population of one million or more, no such sale or lease shall be made without the approval of a majority of the members of the borough improvement board of the borough in which such real property is located.

(3) Before any sale or lease to a local development corporation incorporated or reincorporated under this article shall be authorized, a public hearing shall be held by the local legislative body, or by the board of estimate, as the case may be, to consider the proposed sale or lease.

(4) Notice of such hearing shall be published at least ten days before the date set for the hearing in such publication and in such manner as may be designated by the local legislative body, or the board of estimate as the case may be.

## Short Environmental Assessment Form

### Instructions for Completing

**Part 1 is to be completed by the project sponsor or applicant.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

**Part 1 - Project and Sponsor Information** Name of action or project: Dock Street Landing Lease

Project location (describe, and attach a general location map): foot of Dock Street; see map attached

Brief Description of Proposed Action (include type of development and total acreage of parcel): lease of existing building to Lake City Local Development Corporation

Name of Applicant/Sponsor: City of Plattsburgh

Telephone:

E-Mail:

Address: 41 City Hall Place

City/PO: Plattsburgh

State: NY

Zip Code: 12( 9 ) 01

1. Does the proposed action require a permit approval or funding from any other governmental Agency?

\_\_\_ Yes X No

If Yes, list agency(s) name and permit or approval:

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2. Total acreage of the proposed action, including project area and contiguous properties, which are owned or controlled by project sponsor: 0.2 acres

3. Check all land uses that occur on, adjoining and near the proposed action.

( ) Urban ( ) Industrial ( X ) Commercial ( ) Residential (suburban) ( ) Rural (non-farm)

( ) Forest ( ) Agriculture ( ) Aquatic ( ) Other (specify): \_\_\_\_\_

4. Does the proposed action meet all adopted local land use and zoning ordinances? ( x ) Yes ( ) No

Explain

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5. Is the site of the proposed action located in a Critical Environmental Area? ( ) Yes ( x ) No

6. Will administrative or legislative adoption, enactment, or amendment of a plan, local law, ordinance, rules or regulations be the only approval(s) which must be granted to enable the proposed action to proceed?

( ) Yes

( x ) No

7. Is the proposed action a change in zone? ( ) Yes ( x ) No

If Yes, explain:

8. Have any previous development projects or proposals involved the same site as the proposed action?

( ) Yes ( x ) No

If Yes:

Provide reference(s) for all prior permits/approvals, applications, issued permits/approvals, or environmental impact

statements:

9. a. Will the proposed action result in a substantial increase in traffic above present levels? ( ) Yes ( ☒ ) No

If Yes, describe:

b. Are public transportation service(s) available at or near the site of the proposed action? ( ☒ ) Yes ( ) No

c. Are any pedestrian accommodations or bicycle routes available on or near site of the ( ☒ ) Yes ( ) No

proposed action?

10. Does the proposed action maximize use of energy efficient design or include use of onsite renewable energy technologies? ( ) Yes ( ☒ ) No

If Yes, describe design features and technologies:

11. a. Will the proposed action connect to existing public water? ( ☒ ) Yes ( ) No

If No, describe method for providing public water:

b. Will the proposed action connect to existing wastewater utilities? ( ☒ ) Yes ( ) No

If No, describe method for providing wastewater treatment:

12. The proposed action is consistent with the predominant character of the existing built or natural landscape? ( ☒ ) Yes ( ) No

13. Is the proposed action located in or adjoining an environmental justice community of concern as defined by the Federal EPA?

( ) Yes ( ☒ ) No

14. Does the site of the proposed action contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on or has been proposed for listing on the State or National Register of Historic Places?



( ) Yes ( x ) No

If Yes,

a. Nature of historic/archaeological resource: ( ) Archaeological Site ( ) Historic Building or District

b. Name of site or resource:

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15. a. Does any portion of the site of the proposed action, or adjacent area contain wetlands or other waterbodies (rivers, ponds or lakes)?

(X) Yes ( ) No

b. Are any of the wetlands or waterbodies within or adjoining the site of the proposed action regulated by any federal, state or local agency?

( ) Yes (X) No

16. Would the proposed action alter, or encroach into, any existing wetland or waterbody?

( ) Yes ( x ) No

If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: \_\_\_\_

17. Does the site of the proposed Action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered or listed by NYS as a species of special concern or greatest conservation need?

( ) Yes ( x ) No

18. Will the proposed action create new point source stormwater discharges, such as ditches, pipes or other concentrated flows of stormwater, during construction, operations, or both?

( ) Yes ( x ) No

If Yes, describe discharge, estimated volume and where discharge will be directed: \_\_\_\_

19. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?

( ) Yes ( x ) No

If Yes, explain purpose and size:

20. Has solid or hazardous waste ever been stored or otherwise managed on the site, or does the site adjoin property which now, or at any time, stored or otherwise managed solid or hazardous waste?

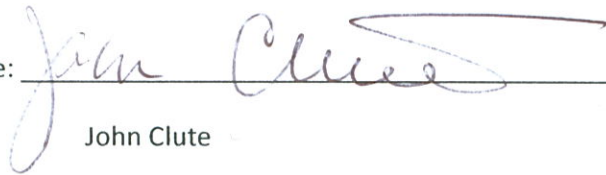
( ) Yes ( x ) No

If Yes, describe:

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: CITY OF PLATTSBURGH Date: December 2, 2010

Signature: \_\_\_\_\_

A handwritten signature in blue ink, appearing to read "John Clute", is written over a horizontal line. The signature is stylized with a large initial "J" and a long, sweeping underline.

John Clute



<p><b>Part 2 - Impact Assessment. This part should be completed by the Lead Agency.</b> Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor in support of the proposed action. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action. 1. Does proposed action exceed any Type 1 Threshold in 6 NYCRR Part 617.4? (    ) Yes ( X    ) No</p> <p>If Yes, coordinate review process and use the Full EAF.</p>
<p>2. Will proposed action receive coordinated review as provided for Unlisted Actions in 6 NYCRR Part 617.6?</p> <p>(    ) Yes ( X    ) No</p> <p>If No, a negative declaration may be superseded by another agency.</p>
<p>3. The proposed action may have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?</p> <p>(    ) Yes ( X    ) No</p>
<p>4. The proposed action may result in a substantial change in the use or intensity of use of land?</p> <p>(    ) Yes ( X    ) No</p>
<p>5. The proposed action may create a material conflict with adopted land use plan or zoning ordinance?</p> <p>(    ) Yes ( X    ) No</p>
<p>6. The proposed action may result in a substantial adverse change in existing level of traffic or impact alternative means of transportation?</p> <p>(    ) Yes ( X    ) No</p>
<p>7. The proposed action may cause a substantial increase in the use of energy or it fails to incorporate energy conservation or renewable energy opportunities.</p> <p>(    ) Yes ( X    ) No</p>

8. The proposed action may impair the character or quality of existing community character?  (   ) Yes ( X ) No
9 . The proposed action may create an environmental burden on an environmental justice community as defined by the Federal EPA?  (   ) Yes ( x ) No
10. The proposed action may impair the character or quality of important historically archaeological, architectural or aesthetic resources?  (   ) Yes ( x ) No
11. The proposed action may result in a substantial adverse change to natural resources (e.g., wetlands, waterbodies, flora, fauna)  (   ) Yes ( x ) No
12. The proposed action may result in a substantial increase in the potential for erosion, flooding or drainage problems?  (   ) Yes ( x ) No
13. The proposed action may create a substantial hazard to environmental resources or human health?  (   ) Yes ( x ) No

**Part 3 - Determination of significance. This part should be completed by the Lead Agency.** For every question in Part 2 that was answered "yes", or if there is a need to explain why a particular element of the proposed action will not result in a significant adverse environmental impact, please complete Part 3.

Part 3 should, in sufficient detail, identify the impact, including any mitigation measures that have been included by the project sponsor; and should explain how the lead agency determined that the impact will not be significant.

**Resolved: based upon the foregoing assessment of possible environmental impacts from the dock street landing lease project, the Common Council finds the project will not have a significant adverse environmental impact.**

( ) Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur.

Then proceed directly to the FULL EAF and/or prepare a positive declaration.

( X ) Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.

Name of Lead Agency: City of Plattsburgh

Date: December 2, 2010

Print or Type Name of Responsible Officer in Lead Agency James Calnon

Title of Responsible Officer Mayor Pro Tem



Signature of Responsible Officer in Lead Agency Signature of Preparer (if different from responsible officer)